

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Relates to:
03-MD-1570 (GBD) (SN)**

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SUSAN NOLAN, Individually as Surviving Spouse
and as Personal Representative of the Estate of Thomas
Cullen, deceased;
THOMAS P. CULLEN NOLAN, Individually as
Surviving Child of Thomas Cullen, deceased; and

20-CV-10720

MELINDA COOPER, Individually as Surviving Spouse
and as Personal Representative of the Estate of JULIAN
COOPER, Deceased;
JULIANAH COOPER, as Surviving Child of
JULIAN COOPER, Deceased;
DARLENE COOPER CANADY, as Surviving
Sibling of JULIAN COOPER, Deceased;
MARIE ANNETTE DORY, as Surviving Sibling
Of JULIAN COOPER, Deceased;
ROSA MARIE COOPER, as Surviving Parent of
JULIAN COOPER, Deceased;
DELMAN PHILLIP COOPER, as Surviving Sibling
Of JULIAN COOPER, Deceased;

**SUDAN SHORT FORM
COMPLAINT AND
DEMAND FOR TRIAL
BY JURY**

ANDREW FURMAN, Individually as Surviving
Sibling and as Co-Personal Representative of the
Estate of STEVEN FURMAN, Deceased;
CHAVA FURMAN, Individually as Surviving Spouse
and as Co-Personal Representative of the Estate of
STEVEN FURMAN, Deceased;
NISAN FURMAN, as Surviving Child of STEVEN
FURMAN, Deceased;
SARA RACHEL FURMAN, as Surviving Child of
STEVEN FURMAN, Deceased;
MENASHE FURMAN, as Surviving Child of STEVEN
FURMAN, Deceased;
JAYNE FURMAN, as Surviving Sibling of STEVEN
FURMAN, Deceased;
MICHAEL FURMAN, as Surviving Sibling of STEVEN
FURMAN, Deceased;

MARVIN FURMAN, as Surviving Parent of STEVEN FURMAN, Deceased;
JAYNE FURMAN and MICHAEL FURMAN, as Co-Personal Representatives of the Estate of JOYCE LILIE, Surviving Parent of STEVEN FURMAN, Deceased;
JANIS LILIE, as Personal Representative of the Estate of HAROLD LILIE, Surviving Stepparent of STEVEN FURMAN, Deceased;

TENNYSON HUIE, Individually as Surviving Parent and as Personal Representative of the Estate of Susan Huie, deceased,

Plaintiff(s),

-against-

**THE REPUBLIC OF THE SUDAN,
Defendant.**

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Republic of the Sudan, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of December 1, 2020, ECF No. 6547. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF No. 6539, or (b) the *Ashton* Amended Complaint as to Sudan Defendants in *Ashton v. the Republic of the Sudan*, No. 02-CV- 6977 (GBD)(SN), ECF No. 6537 (in 03-md-1570) (hereinafter “*Ashton* Sudan Amended Complaint”).

Upon filing this Sudan Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Sudan Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
 - ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
 - ☒ 28 U.S.C. § 1330 (actions against foreign states)
 - ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):
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CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [**check only one complaint**] and the following causes of action set forth in that complaint:

- ☐ **Consolidated Amended Complaint as to the Republic of the Sudan (“SCAC”), ECF No. 6539 (check all causes of action that apply):**
 - ☐ COUNT I – Claims under Section 1605A(c) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(c), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.¹

¹ Section 1605A of the Foreign Sovereign Immunities Act grants a right of action to (1) nationals of the United States, (2) members of the armed forces, (3) employees of the U.S. government (including individuals performing a contract

- ☐ COUNT II – Claims under Section 1605A(d) of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A(d), on behalf of all Plaintiffs granted a private right of action under 28 U.S.C. § 1605A.²
- ☐ COUNT III – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11th Attacks upon the United States in Violation of 18 U.S.C. § 2333(d) (JASTA), on behalf of all “U.S. National” Plaintiffs.³
- ☐ COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11th Attacks upon the United States in Violation of 18 U.S.C. § 2333(a), on behalf of all “U.S. National” Plaintiffs.
- ☐ COUNT V – Committing acts of international terrorism in violation of 18 U.S.C. § 2333, on behalf of all “U.S. National” Plaintiffs.
- ☐ COUNT VI – Wrongful Death, on behalf of all plaintiffs bringing Wrongful Death claims.
- ☐ COUNT VII – Negligence, on behalf of all plaintiffs.
- ☐ COUNT VIII – Survival, on behalf of all plaintiffs bringing wrongful death claims.
- ☐ COUNT IX – Alien Tort Claims Act, on behalf of all Alien National Plaintiffs.⁴

awarded by the U.S. Government) acting within the scope of employment, and legal representatives of persons described in (1), (2), or (3).

² See preceding footnote.

³ The causes of action pursuant to the ATA, 18 U.S.C. § 2331 et seq., are asserted on behalf of plaintiffs who are U.S. nationals; estates, heirs, and survivors of U.S. nationals; U.S. nationals who are members of a putative class represented by such plaintiffs; plaintiffs who are subrogated to the rights of U.S. nationals who incurred physical injuries to property and related losses as a result of the September 11th attacks; and plaintiffs who are assignees of nationals killed or injured in the September 11th attacks. The term “U.S. National Plaintiffs” in the context claims under JASTA or the ATA refers to all such parties.

⁴ The causes of action pursuant to the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1350, are asserted on behalf of plaintiffs who are alien nationals; estates, heirs, and survivors of alien nationals who are not themselves U.S. nationals; alien nationals who are members of a putative class represented by such plaintiffs; subrogated to the rights of alien

- ☐ COUNT X – Assault and Battery, on behalf of all plaintiffs bringing wrongful death and personal injury claims.
- ☐ COUNT XI – Conspiracy, on behalf of all plaintiffs.
- ☐ COUNT XII – Aiding and Abetting, on behalf of all plaintiffs.
- ☐ COUNT XIII – Negligent and/or intentional infliction of emotional distress on behalf of all plaintiffs.
- ☐ COUNT XIV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Supervising Employees and Agents, on behalf of all plaintiffs.
- ☐ COUNT XV – Liability pursuant to Restatement (SECOND) of Torts § 317 and Restatement (THIRD) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents, on Behalf of all plaintiffs.
- ☐ COUNT XVI – 18 U.S.C. § 1962(a)-(d) – Civil RICO, on behalf of all plaintiffs.
- ☐ COUNT XVII – Trespass, on behalf of all plaintiffs asserting claims for property damage and economic injuries.
- ☐ COUNT XVIII – Violations of international law, on behalf of all plaintiffs.
- ☒ ***Ashton Sudan Amended Complaint, ECF No. 6537 (check all causes of action that apply):***
 - ☒ First Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605A of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605A.
 - ☒ Second Cause of Action to Recover Personal Injury and Wrongful Death Damages Pursuant to Section 1605B of the Foreign Sovereign

nationals who incurred injuries to property and related losses as a result of the September 11th attacks; and assignees of alien nationals killed or injured in the September 11th attacks.

Immunities Act, 28 U.S.C. § 1605B (JASTA) and the Anti-Terrorism Acts.

- ☒ Third Cause of Action for Personal Injury and Wrongful Death Injuries Pursuant to State Tort Law.
- ☒ Fourth Cause of Action for Personal Injury and Wrongful Death Damages Pursuant to the Alien tort Claims Act.
- ☒ Fifth Cause of Action for Punitive Damages.
- ☐ Sixth Cause of Action for Property Damage.

- ☐ **Each Plaintiff asserts the following additional theories and/or Causes of Action against the Republic of the Sudan:**

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Sudan Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Sudan Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Sudan Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those Plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Sudan Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

5. The only Defendant named in this Sudan Short Form Complaint is the Republic of the Sudan.

NO WAIVER OF OTHER CLAIMS

6. By filing this Sudan Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
7. By filing this Sudan Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Sudan Short Form Complaint as appropriate.

Dated: December 18, 2020
Rye Brook, New York

Respectfully submitted,

By: s/ Jeanne M. O'Grady
Frank H. Granito, III, Esq. (FG 9760)
Douglas A. Latto, Esq. (DL 3649)
Jeanne M. O'Grady, Esq. (JO 3362)
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Attorneys for Plaintiffs

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Susan Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Sudan Short Form Complaint, Allegation 2 of Appendix 1 to the Sudan Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at filing (or death)	New Plaintiff's Citizenship / Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Nolan, Susan, Individually and as Personal Representative of the Estate of Thomas Cullen, deceased	NJ	USA	Thomas Cullen	PR/Spouse	NY, USA	WD/Solatium
2	Nolan, Thomas P. Cullen	NJ	USA	Thomas Cullen	Child	NY, USA	WD/Solatium
3	Cooper, Melinda, Individually and as Personal Representative of the Estate of Julian Cooper	DE	USA	Julian Cooper	PR/Spouse	MD, USA	WD/Solatium
4	Cooper, Julianah	DE	USA	Julian Cooper	Child	MD, USA	WD/Solatium
5	Cooper Canady, Darlene	VA	USA	Julian Cooper	Sibling	MD, USA	Solatium

6	Dory, Marie Annette	MD	USA	Julian Cooper	Sibling	MD, USA	Solatium
7	Cooper, Rosa Marie	MD	USA	Julian Cooper	Parent	MD, USA	Solatium
8	Cooper, Delman Phillip	MD	USA	Julian Cooper	Parent	MD, USA	Solatium
9	Furman, Andrew	TX	USA	Steven Furman	PR/Sibling	NY, USA	WD/Solatium
10	Furman, Chava	MD	USA	Steven Furman	PR/Spouse	NY, USA	WD/Solatium
11	Furman, Nisan	MD	USA	Steven Furman	Child	NY, USA	WD/Solatium
12	Furman, Sara Rachel	MD	USA	Steven Furman	Child	NY, USA	WD/Solatium
13	Furman, Menashe	MD	USA	Steven Furman	Child	NY, USA	WD/Solatium
14	Furman, Jayne	NV	USA	Steven Furman	Sibling	NY, USA	Solatium
15	Furman, Michael	NV	USA	Steven Furman	Sibling	NY, USA	Solatium
16	Furman, Marvin	NV	USA	Steven Furman	Parent	NY, USA	Solatium
17	Lilie, Joyce	NV	USA	Steven Furman	Parent	NY, USA	Solatium
18	Lilie, Harold	NV	USA	Steven Furman	Stepparent	NY, USA	Solatium
19	Huie, Tennyson Individually and as Personal Representative of the Estate of Susan Huie, deceased	NJ	USA	Susan Huie	PR/Parent	NJ, USA	WD/Solatium